

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ALBANY

X

Index No.

JOHN GREKLEK-TORRES,

Plaintiff designates
Albany County
as the place of trial

Plaintiff,

The basis of venue is
Defendant's Place of Business

-against-

ROMAN CATHOLIC DIOCESE OF ALBANY,
LA SALLE SCHOOL and
FRANCISCAN FRIARS ORDER OF FRIARS MINOR

Defendants.

Summons

X

To the above-named Defendants:

YOU ARE HEREBY SUMMONED to answer the Verified Complaint in this action and to serve a copy of your Verified Answer on the undersigned attorneys, Hach Rose Schirripa & Cheverie LLP, representing Plaintiff, within twenty (20) days after the service of this Summons, exclusive of the day of service (or within 30 days after the service is complete if this Summons is not personally delivered to you within the State of New York).

Please take notice that this action is based on a tort cause of action, that plaintiff seeks money damages for personal injuries and that in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Verified Complaint.

Defendants' addresses:

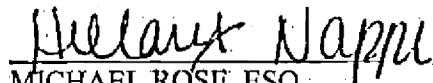
Roman Catholic Diocese of Albany
40 N Main Ave #4
Albany, New York 12203

La Salle School
391 Western Avenue
Albany, New York 12203

Franciscan Friars Order of The Friars Minor
125 Thompson Street
New York, New York 10012

Dated: New York, New York
October 16, 2019

Respectfully Submitted,
HACH ROSE SCHIRRIPPA & CHEVERIE, LLP


MICHAEL ROSE, ESQ.
HILLARY M. NAPPI, ESQ.
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Attorneys for Plaintiff JOHN GREKLEK-TORRES

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ALBANY

X

JOHN GREKLEK-TORRES

Plaintiff,

Index No.

-against-

VERIFIED COMPLAINTROMAN CATHOLIC DIOCESE OF ALBANY,
LA SALLE SCHOOL and FRANCISCAN FRIARS
ORDER OF THE FRIARS MINOR**JURY TRIAL
DEMANDED**

Defendants.

X

Plaintiff John Greklek-Torres by his attorneys Hach Rose Schirripa & Cheverie, LLP, complaining of the respective Defendants Roman Catholic Diocese of Albany, La Salle School, and the Franciscan Friars Order of the Friars Minor, respectfully alleges, upon information and belief and states as follows:

NATURE OF THE ACTION

1. Pursuant to C.P.L.R. §214-g, the New York Child Victims Act (the "CVA"), Plaintiff brings this revival action to vindicate his rights. The CVA opened a historic one-year one-time window for victims and survivors of childhood sexual abuse in the State of New York to pursue lapsed claims. Prior to the passage of the CVA, each of Plaintiff's claims were time barred.
2. When he was a minor, Plaintiff John Greklek-Torres attended the La Salle School and while under its care, Plaintiff was sexually abused by ather David Bentley, Father John Bertolucci and a Franciscan Friar, who were all staff at the LaSalle School.
3. Father Bentley and Father Bertolucci were priests within the Roman Catholic Diocese of Albany and were a part of the staff at La Salle School. The Franciscan Friar, was a member of

the Franciscan Friars Order of Friars Minor and was a part of their Monastery located in Troy, New York.

4. Father David Bentley, Father John Bertolucci and the Franciscan Friar committed their heinous acts while in the course of their duties at the La Salle School and under the guidance and control of the Roman Catholic Diocese of Albany and Franciscan Friars Order of Friars Minor respectively. Plaintiff's life was forever changed as a result of the negligent conduct described herein.

5. As a result of the passage of the CVA, Plaintiff can now pursue restorative justice. Plaintiff brings this suit to vindicate this rights.

PARTIES

6. John Greklek-Torres ("Plaintiff") is an individual residing in Albany County, New York.

7. Upon information and belief, and at all times relevant, and to the present day, the Roman Catholic Diocese of Albany was and is a not-for-profit religious corporation organized pursuant to the laws of the State of New York with its principal office in Albany, New York.

8. Upon information and belief and at all relevant times the Diocese conducted business as the "Roman Catholic Diocese of Albany," "Diocese of Albany" or "Albany Diocese."

9. Upon information and belief, and at all times relevant, and to the present day, the Diocese employed priests and others who served various Catholic institutions and individuals including the LaSalle School. All such Diocese-related entities, corporation, or organizations are collectively referred to herein as the "Diocese."

10. Upon information and belief, and at all times relevant, and to the present day, La Salle

School ("La Salle") was and is a not-for-profit religious corporation organized under New York law and was and is wholly owned, operated and controlled by the Diocese.

11. Upon information and belief, and at all times relevant, and to the present day, the Franciscan Friars Order of Friars Minor (the "Friars Minor") was and is a not-for-profit religious corporation organized under New York law with its principal office in New York, New York.

12. Upon information and belief, and at all times relevant, the Friars Minor owned, operated, and managed a Monastery located in Troy, New York.

13. Upon information and belief, La Salle was staffed with clergy and religious leaders employed by the Diocese and the Friars Minor.

14. Father David Bentley ("Bentley") is not a party to this action. However, Bentley is the individual who committed the illegal, heinous, and immoral acts described herein which give rise to Plaintiff's allegations.

15. Father John Patrick Bertolucci ("Bertolucci") is not a party to this action. However, Bertolucci is the individual who committed the illegal, heinous, and immoral acts described herein which give rise to Plaintiff's allegations.

16. The Franciscan Friar, whose name is presently unknown, (the "Friar") is not a party to this action. However, the Friar is the individual who committed the illegal, heinous, and immoral acts described herein which give rise to Plaintiff's allegations.

17. To the extent that La Salle was a different entity, corporation, or organization during the period of time during which Bentley, Bertolucci, or the Friar used their position as a religious leader to sexually abuse the Plaintiff, such entity, corporation, or organization is hereby on notice that it is intended to be a Defendant in this lawsuit.

18. To the extent that La Salle is a successor to a different entity, corporation, or organization which existed during the period of time during which Bentley, Bertloucci, or the Friar used their position as a religious leader to sexually abuse Plaintiff, such predecessor entity, corporation or organization is hereby on notice that it is intended to be a Defendant in this lawsuit.

19. To the extent that the Diocese was a different entity, corporation, or organization during the period of time during which during which Bentley, Bertloucci, or the Friar used their position as a religious leader to sexually abuse Plaintiff, such entity, corporation, or organization is hereby on notice that it is intended to be a Defendant in this lawsuit.

20. To the extent that the Diocese is a successor to a different entity, corporation, or organization which existed during the period of time during which Bentley, Bertloucci, or the Friar used their position as a religious leader to sexually abuse Plaintiff, such predecessor entity, corporation or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

21. To the extent that the Friars Minor was a different entity, corporation, or organization during the period of time during which during which Bentley, Bertloucci, or the Friar used their position as a religious leader to sexually abuse Plaintiff, such entity, corporation, or organization is hereby on notice that it is intended to be a Defendant in this lawsuit.

22. To the extent that the Friars Minor is a successor to a different entity, corporation, or organization which existed during the period of time during which Bentley, Bertloucci, or the Friar used their position as a religious leader to sexually abuse Plaintiff, such predecessor entity, corporation or organization is hereby on notice that it is intended to be a Defendant in this lawsuit.

23. Defendants the Diocese, La Salle, and the Friars Minor shall collectively be hereinafter referred to as the "Defendants."

JURISDICTION AND VENUE

24. This Court has personal jurisdiction over the claims asserted herein pursuant to C.P.L.R. §§ 301 and 302, in that the one or more Defendants transact business within the State of New York.

25. This Court has jurisdiction over this action because the amount of damages Plaintiff seeks exceed the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

26. Venue for this action is proper in the County of Albany pursuant to C.P.L.R. §503 in that one or more Defendants transact business in the County of Albany.

FACTS COMMON TO ALL CAUSES OF ACTION

27. At all times relevant hereto, Bentley was on the staff of, acted as an agent of and served as an employee of the Diocese and was posted to La Salle School, 391 Western Avenue, Albany, New York 12203 (hereinafter the "School Premises").

28. At all times relevant hereto, Bertolucci was on the staff of, acted as an agent of and served as an employee of the Diocese and was posted to the School Premises.

29. At all times relevant hereto, the Friar was on the staff of, acted as an agent of and served as an employee of the Friar Minor located in Troy, New York (hereinafter the "Monastery Premises").

30. At all times relevant hereto, Bentley was employed as a priest by the Diocese and was an agent of the Diocese and La Salle.

31. At all times relevant hereto, Bertolucci was employed as a priest by the Diocese and was an agent of the Diocese and La Salle.

32. At all times relevant hereto, the Friar was employed as a Friar by the Friars Minor and

was an agent of the Friars.

33. Upon information and belief, employees from the Friar Minor would regularly work with, along-side, and under the control of the Diocese, thereby working with minors under the care of the Diocese and La Salle.

34. At all times relevant hereto, when the Friar worked with agents of the Diocese and La Salle, the Friar was also an agent of the Diocese and La Salle, performing duties on their behalf and to further their purpose, mission, goal, function and in the course of the Diocese and the La Salle's responsibilities.

35. Upon information and belief, and at all times relevant hereto, the Diocese, its agents, servants and employees managed, maintained, operated and controlled La Salle.

36. Upon information and belief, and at all times relevant hereto, the Diocese held out to the public its agents, servants, and employees as those who managed, maintained, operated and controlled La Salle.

37. Upon information and belief, and at all times relevant hereto, the Diocese was, in whole or in part, responsible for the hiring and staffing and did the hiring and staffing at La Salle.

38. Upon information and belief, and at all times relevant hereto, the Diocese materially benefited from the operation of La Salle, including the services of Bentley and Bertolucci and the services of those who managed and supervised Bentley and Bertolucci.

39. Upon information and belief, and at all times relevant hereto, the Friars Minor materially benefited from the operation of La Salle, including the retention of the services of the Friar, and others, and the services of those who managed and supervised the Friar.

40. At all relevant times, the Diocese, La Salle and the Friar Minor held Bentley,

Bertolucci and the Friar out to the public, and to the Plaintiff, as their agents and employees.

41. At all relevant times, the Diocese, La Salle and the Friar Minor held Bentley, Bertolucci and the Friar out to the public, and to the Plaintiff, as having been vetted, screened and approved by those Defendants.

42. At all relevant times, Plaintiff reasonably relied upon the acts and representations of the Diocese, the La Salle, and the Friar Minor, their agents, servants and employees and reasonably believed that Bentley, Bertolucci and the Friar were agents or employees of those Defendants, who were vetted, screened and approved by those Defendants.

43. At all relevant times, Plaintiff trusted Bentley, Bertolucci and the Friar because the Diocese, La Salle and the Friar Minor held them out as individuals who were safe and could be trusted with the supervision, care, custody and control of Plaintiff.

44. At all relevant times, Plaintiff believed that the Diocese, La Salle, and the Friar Minor would exercise such care as would a parent of ordinary prudence in comparable circumstances, when those Defendants assumed supervision, care, custody and control of Plaintiff.

45. Upon information and belief, La Salle relied upon its agents, employees and/or staff to insure the safety and maintenance of the School Premises.

46. Upon information and belief, the Friar Minor relied upon its agents, employees and/or staff to ensure the safety and maintenance of the Monastery Premises.

47. Upon information and belief, La Salle did not have any security to protect students and/or minors, like Plaintiff, from harm.

48. Upon information and belief, the Monastery Premises did not have any security to protect students and/or minors, like Plaintiff, from harm.

Plaintiff meets his abusers, Bentley, Bertolucci and the Friar

49. As a result of Plaintiff's mother's death in 1963, Plaintiff and his brother became wards of the state.

50. After becoming wards of the state, Plaintiff was sent to live at St. Coleman's Home where Plaintiff endured horrific physical and emotional abuse.

51. In the early summer of 1969, Plaintiff and his brother were transferred from St. Coleman's Home to the La Salle School.

52. In the early summer of 1969, Plaintiff met Bentley, who was then a young priest, who visited the dorms of the students in Burke Hall at La Salle.

53. On numerous occasions, Bentley molested the Plaintiff by touching and massaging Plaintiff's penis while visiting Plaintiff in his dorm.

54. Upon information and belief, Bentley molested other students at La Salle.

55. Upon information and belief, it was well known among the students and the employees and staff at La Salle that Bentley was sexually inappropriate with students.

56. In or around that same time period, Plaintiff was in Burke Hall on the School Premises, when Bertolucci also molested the Plaintiff by touching and massaging Plaintiff's penis.

57. Upon information and belief, Bertolucci molested other students at La Salle.

58. Upon information and belief, it was well known among the students and the employees and staff at La Salle that Bertolucci was sexually inappropriate with students.

59. Upon information and belief, students knew that if they reported the sexual abuse to La Salle officials, nothing would be done to stop the abuse from occurring.

60. Shortly thereafter, Plaintiff was asked by Brother John Farrell of La Salle if he would

be interested in working in Troy, New York at a Monastery. Plaintiff expressed his interest in such a position and was excited to be away from the School. Accordingly, the work assignment was arranged.

61. Plaintiff, along with other students, was picked-up from the La Salle School by the Friar. Plaintiff cannot remember the Friar's name. However, the Friar was short, dark-skinned, had black hair and wore glasses.

62. When Plaintiff was transported to the Monastery Premises, he was in the control and custody of the Friar who was acting as an agent of the Diocese, La Salle, and the Friars Minor.

63. Upon information and belief, and at all times relevant hereto, the Friar had living-quarters on the Monastery Premises.

64. Upon arriving at the Monastery in Troy, New York, the Friar asked the Plaintiff to meet him upstairs, in his bedroom, to move some furniture.

65. When Plaintiff entered the Friar's room, the Friar locked the door and told the Plaintiff to sit down on his bed. The Friar then disrobed down to his underwear.

66. The Friar proceeded to remove his underwear, placed his erect penis in the mouth of the Plaintiff and forced the Plaintiff to perform oral sex on him, ejaculated into the Plaintiff's mouth and forced the Plaintiff to swallow his sperm. Plaintiff immediately began gagging and threw up. The Friar responded with laughter. The Friar then opened the bedroom door, forced Plaintiff out of the room, and instructed Plaintiff not to tell anyone or else Plaintiff would go to hell.

67. Upon returning to La Salle, Plaintiff told "Brother Brice," "Brother Brendan," the

Executive Director, and "Brother Vincent," his social worker, about being sodomized at the Monastery Premises by the Friar.

68. Despite Plaintiff disclosing his sexual abuse to many adults with the power and obligation to help Plaintiff, no action was taken in response to Plaintiff's disclosure.

69. Upon information and belief, Bentley continued to sexually abuse other minors who were entrusted to his care under the purview of the Diocese.

70. Upon information and belief, Bertolucci continued to sexually abuse other minors who were entrusted to his care under the purview of the Diocese.

71. Upon information and belief, the Friar continued to sexually abuse other minors who were entrusted to his care under the purview of the Diocese and the Friars Minor.

72. Upon information and belief, Bentley, Bertolucci and the Friar behaved in a blatant manner which should have caused other employees, clergy or staff at the School Premises and the Monastery Premises to question their behavior and motivation toward Plaintiff and other minors those employees had a duty to protect.

73. At all relevant times described herein, Plaintiff could not legally, nor did he, provide consent to engage in these acts with Bentley, Bertolucci or the Friar.

74. At all times, the conduct alleged herein was not only immoral but violated New York State's Penal Code.

75. Upon information and belief, Bentley was removed from the priesthood by the Diocese as a result of his duties, rights, and title in 2002 as a result of allegations of sexually abusing children.

76. Upon information and belief, Bertolucci was removed from the priesthood by the

Diocese as a result of his duties, rights, and title in 2002 as a result of allegations of sexually abusing children.

77. As a direct result of the Defendants' employees, Bentley, Bertolucci and the Friar's, conduct described herein Plaintiff has suffered and will continue to suffer great pain of mind and body, severe and permanent emotional distress, and physical manifestations of emotional distress. Plaintiff was prevented from obtaining the full enjoyment of life; has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling; and has incurred and will continue to incur loss of income and/or loss of earning capacity. As a victim of sexual abuse, Plaintiff is unable at this time to fully describe all of the details of that abuse and the extent of the harm suffered as a result.

FIRST CAUSE OF ACTION
VICARIOUS LIABILITY IN *RESPONDEAT SUPERIOR*
AGAINST ALL DEFENDANTS

78. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs "1" through "77" as if fully set forth herein.

79. Defendants the Diocese, La Salle, and the Friars Minor acted, worked in agreement, cooperation, and in conjunction with another to staff La Salle and educate, care for, and monitor the children enrolled thereat, including the Plaintiff.

80. Defendants herein were and are vicariously liable in *respondeat superior* to Plaintiff for Bentley, Bertolucci and the Friar's foregoing unlawful conduct in that the sexual abuse of Plaintiff by Bentley, Bertolucci and the Friar's were reasonably foreseeable by the Defendants Diocese, La Salle, and the Friars Minor and occurred within the general scope of employment.

81. Defendants herein were and are vicariously liable in *respondeat superior* to Plaintiff

for Bentley, Bertoluccui and the Friar's foregoing unlawful conduct for given prior instances of similar conduct of Bentley, Bertoluccui and the Friar, and other employees, agents and/or servants, as well as Defendants the Diocese, La Salle, and the Friars Minor' failure to respond accordingly, such unlawful conduct was reasonably foreseeable, and occurred within the general scope of the Defendants' business in that due to prior known instances of similar conduct on part of Bentley, Bertoluccui and the Friar, the herein actions of same could have been reasonably foreseen by the Defendants; and therefore, the Defendants Diocese, La Salle, and the Friars Minor assumed a relationship requiring it to be responsible for Plaintiff's safety and protection.

82. As a result of the foregoing, Plaintiff has been caused to suffer and sustain severe and potentially permanent personal injuries, including severe injury and potentially permanent injury to his emotional and psychological well-being.

83. By reason of the foregoing the Defendants are liable to Plaintiff for compensatory damages and for punitive damages, together with interests and costs.

SECOND CAUSE OF ACTION
NEGLIGENCE IN HIRING, RETENTION AND SUPERVISION
AGAINST ALL DEFENDANTS

84. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs "1" through "77" as if fully set forth herein.

85. Defendants the Diocese, La Salle, and the Friars Minor acted, worked in agreement, cooperation, and in conjunction with another to staff La Salle and educate, care for, and monitor the children enrolled thereat, including the Plaintiff.

86. Defendants the Diocese, La Salle, and the Friars Minor negligently hired and/or retained their employees Bentley, Bertolucci and the Friar's, with knowledge of Bentley,

Bertoluccui and the Friar's propensities for the type of behavior which resulted in Plaintiff's injuries in this action.

87. Defendants negligently placed their employees, Bentley, Bertolucci and the Friar, in a position to cause foreseeable harm, which most probably would not have occurred had the Defendants the Diocese, La Salle, and the Friars Minor taken reasonable care in the hiring and screening of employees.

88. Defendants negligently hired and/or retained their employees, Bentley, Bertolucci and the Friar, negligently placed their employees, Bentley, Bertolucci and the Friar, in a position to cause foreseeable harm, which Plaintiff would not have been subjected to, had Defendants taken reasonable care in supervising or retaining their employees, Bentley, Bertolucci and the Friar.

89. Defendants knew or should have known of their employees Bentley, Bertolucci and the Friar's propensities for the conduct that caused Plaintiff's injuries.

90. Defendants negligently failed to properly train and/or supervise their employees Bentley, Bertolucci and the Friar.

91. That as a result of the foregoing Plaintiff was seriously and permanently injured.

92. That said occurrence and the resulting injuries to Plaintiff were caused solely and wholly by reason of the negligence and carelessness of Defendants Diocese, La Salle, and the Friars Minor in the ownership, operation, management, maintenance, control, security and supervision of its employees.

93. That as a result of the foregoing, Plaintiff was injured solely and wholly as a result of the negligence, carelessness and recklessness of the Defendants Diocese, La Salle, and the Friars Minor and/or their agents, servants, employees, without any negligence on the part of the Plaintiff

contributing thereto.

94. By reason of the foregoing, the respective Defendants are liable to Plaintiff for compensatory damages and for punitive damages, together with interests and costs.

**THIRD CAUSE OF ACTION
INADEQUATE SECURITY
AGAINST ALL THE DIOCESE AND LA SALLE**

95. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs "1" through "77" as if fully set forth herein.

96. That Defendants the Diocese and La Salle negligently failed to provide adequate security to Plaintiff while Plaintiff was lawfully within the School Premises.

. 97. That Defendants the Diocese and La Salle negligently failed to provide adequate security to Plaintiff while Plaintiff was lawfully within the School Premises and while Defendants had knowledge of their employees, Bentley and Bertolucci's propensities for the type of behavior which resulted in Plaintiff's injuries in this action.

98. That Defendants negligently failed to safeguard Plaintiff John Greklek-Torres, a minor,

99. That Defendants knew or should have known of their employees Bentley and Bertolucci's propensities for the conduct that caused Plaintiff's injuries and negligently failed to take reasonable measures to protect and provide security to the Plaintiff.

100. That as a result of the foregoing Plaintiff was seriously and permanently injured.

101. That said occurrence and the resulting injuries to Plaintiff were caused solely and wholly by reason of the negligence and carelessness of Defendants in the ownership, operation, management, maintenance, control, security and supervision of the School Premises and

employees within the School Premises.

102. That as a result of the foregoing, Plaintiff was injured solely and wholly as a result of the negligence, carelessness and recklessness of the Defendants without any negligence on the part of the Plaintiff contributing thereto.

103. By reason of the foregoing, Defendants are liable to Plaintiff for compensatory damages and for punitive damages, together with interests and costs.

FOURTH CAUSE OF ACTION
INADEQUATE SECURITY
AGAINST ALL THE FRIARS MINOR

104. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs "1" through "77" as if fully set forth herein.

105. That Defendant the Friars Minor negligently failed to provide adequate security to Plaintiff while Plaintiff was lawfully within the Monastery Premises.

106. That Defendant the Friars Minor negligently failed to provide adequate security to Plaintiff while Plaintiff was lawfully within the Monastery Premises and while Defendant had knowledge of their employees the Friar's propensities for the type of behavior which resulted in Plaintiff's injuries in this action.

107. That Defendants negligently failed to safeguard Plaintiff John Greklek-Torres, a minor.

108. That Defendants knew or should have known of their employees the Friar's propensities for the conduct that caused Plaintiff's injuries and negligently failed to take reasonable measures to protect and provide security to the Plaintiff.

109. That as a result of the foregoing Plaintiff was seriously and permanently injured.

110. That said occurrence and the resulting injuries to Plaintiff were caused solely and wholly by reason of the negligence and carelessness of Defendant in the ownership, operation, management, maintenance, control, security and supervision of the Monastery Premises and employees within the Monastery Premises.

111. That as a result of the foregoing, Plaintiff was injured solely and wholly as a result of the negligence, carelessness and recklessness of the Defendant without any negligence on the part of the Plaintiff contributing thereto.

112. By reason of the foregoing, Defendant is liable to Plaintiff for compensatory damages and for punitive damages, together with interests and costs.

FIFTH CAUSE OF ACTION
NEGLIGENCE
AGAINST THE FRIARS MINOR

113. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs "1" through "77" as if fully set forth herein.

114. During the time of the sexual abuse alleged herein, Defendant Friars Minor owned, operated, managed, maintained, controlled, secured and supervised the School Premises and employees within the Monastery Premises.

115. During the time of the sexual abuse alleged herein, Defendant Friars Minor, as the owners, operators, supervisors and managers of the Monastery Premises and the employees within the Monastery Premises had a duty to protect the Plaintiff from injury while the Plaintiff was lawfully within the Monastery Premises.

116. During the time of the sexual abuse alleged herein, while lawfully upon the Monastery Premises, Plaintiff was caused to be repeatedly injured solely and wholly due to the negligence

and carelessness of the Defendants Friars Minor.

117. That solely and wholly by reason of the foregoing, Plaintiff was injured.

118. That said occurrence and the resulting injuries to Plaintiff were caused solely and wholly by reason of the negligence and carelessness of the Monastery Premises in the ownership, operation, management, maintenance, control, security and supervision of the Monastery Premises and the employees within the Monastery Premises.

119. That as a result of the foregoing, Plaintiff was injured solely and wholly as a result of the negligence, carelessness and recklessness of the Defendant Monastery Premises without any negligence on the part of the Plaintiff contributing thereto.

120. By reason of the foregoing, Defendant is liable to Plaintiff for compensatory damages and punitive damages, together with interests and costs.

SIXTH CAUSE OF ACTION
NEGLIGENCE
AGAINST THE DIOCESE AND LASALLE

121. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs "1" through "77" as if fully set forth herein.

122. During the time of the sexual abuse alleged herein, Defendants owned, operated, managed, maintained, controlled, secured and supervised the School Premises and employees within the School Premises.

123. During the time of the sexual abuse alleged herein, Defendants the Diocese and La Salle, as the owners, operators, supervisors and managers of the School Premises and the employees within the School Premises had a duty to protect the Plaintiff from injury while the Plaintiff was lawfully within the School Premises.

124. During the time of the sexual abuse alleged herein, while lawfully upon the School Premises, Plaintiff was caused to be repeatedly injured solely and wholly due to the negligence and carelessness of the Defendants the Diocese and La Salle.

125. That solely and wholly by reason of the foregoing, Plaintiff was injured.

126. That said occurrence and the resulting injuries to Plaintiff were caused solely and wholly by reason of the negligence and carelessness of the Defendants the Diocese and La Salle in the ownership, operation, management, maintenance, control, security and supervision of the School Premises and the employees within the School Premises.

127. That as a result of the foregoing, Plaintiff was injured solely and wholly as a result of the negligence, carelessness and recklessness of the Defendants the Diocese and La Salle without any negligence on the part of the Plaintiff contributing thereto.

128. By reason of the foregoing, Defendants are liable to Plaintiff for compensatory damages and punitive damages, together with interests and costs.

SEVENTH CAUSE OF ACTION
INTENTIONAL INFILCTION OF EMOTIONAL DISTRESS
AGAINST ALL DEFENDANTS

129. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs "1" through "77" as if fully set forth herein.

130. The Defendants the Diocese, La Salle, and the Friars Minor herein engaged in reckless, extreme, and outrageous conduct by providing Bentley, Bertolucci and the Friar with access to children, including Plaintiff, despite knowing that they would likely use their position to sexually abuse them, including Plaintiff.

131. The Defendants' misconduct was so shocking and outrageous that it exceeds the

reasonable bounds of decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard by them of the consequences that would follow.

132. As a result of this reckless, extreme, and outrageous conduct, Bentley, Bertoluccui and the Friar gained access to Plaintiff and sexually assaulted and abused him.

133. Defendants Diocese, La Salle, and the Friars Minor knew that this this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and Plaintiff did in fact suffer severe emotional and psychological distress and personal physical injury as a result, including severe mental anguish, humiliation and emotional physical distress.

134. By reason of the foregoing, Defendants are liable to Plaintiff for compensatory damages and for punitive damages, together with interests and costs.

EIGHTH CAUSE OF ACTION
NEGLIGENT INFILCTION OF EMOTIONAL DISTRESS
AGAINST DEFENDANT ALL DEFENDANTS

135. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs "1" through "77" as if fully set forth herein.

136. Defendants the Diocese, La Salle, and the Friars Minor and their agents, servants, and/or employees knew or reasonably should have known that the failure to properly advise, supervise, and hire Bentley, Bertoluccui and the Friar, the agents, servants, and/or employees who sexually abused Plaintiff, and the failure to maintain adequate security on the Premises and Monastery Premises, would and did proximately result in physical and emotional distress to Plaintiff.

137. Defendants the Diocese, La Salle, and the Friars Minor and their agents, servants,

and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct would and did proximately result in physical and emotional distress to Plaintiff.

138. Defendants the Diocese, La Salle, and the Friars Minor had the power, ability, authority, and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff being sexually abused by Bentley, Bertolucci and the Friar.

139. Despite said knowledge, power and duty, Defendants the Diocese, La Salle, and the Friars Minor negligently failed to act so as to stop, prevent, and prohibit the improper conduct that resulted in Bentley, Bertolucci and the Friar sexually abusing Plaintiff.

140. By reason of the foregoing, Defendants the Diocese, La Salle, and the Friars Minor are liable to Plaintiff for compensatory damages and punitive damages, together with interests and costs.

NINTH CAUSE OF ACTION
BREACH OF DUTY *IN LOCO PARENTIS*
AGAINST THE DIOCESE AND LA SALLE

141. Plaintiff repeats and re-alleges each and every allegation set forth in the paragraphs "1" through "77" as if fully set forth herein.

142. While Plaintiff was a minor, Plaintiff was entrusted by the State of New York to the control and supervision of Defendants the Diocese and LaSalle. During the times that Plaintiff was entrusted to Defendants the Diocese and LaSalle, Defendants the Diocese and LaSalle were responsible for the supervision and control of Bentley, Bertolucci and the Friar. \ These Defendants owe – and owed – a duty to children entrusted to them to act *in loco parentis* and to prevent foreseeable injuries.

143. At all times material hereto, Defendants the Diocese and LaSalle actions were willful,

wanton, malicious, reckless, negligent, grossly negligent and/or outrageous in their disregard for the rights and safety of Plaintiff.

144. As a direct result of Defendants the Diocese and LaSalle, Plaintiff has suffered the injuries and damages described herein.

145. By reason of the foregoing, Defendants, jointly severally, and/or in the alternative are liable to Plaintiff for compensatory damages and for punitive damages, together with interests and costs.

WHEREFORE, Plaintiff, demands judgment against the respective Defendants on each cause of action as follows:

- A. Awarding compensatory damages in an amount to be provided at trial, but in any event in an amount that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction; extent permitted by law;
- B. Awarding punitive damages to the extent permitted by law;
- C. Awarding costs and fees of this action, including attorneys' fees to the extent permitted by law;
- D. Awarding prejudgment interest to the extent permitted by law;
- E. Awarding such other and further relief as to this Court may seem just and proper.

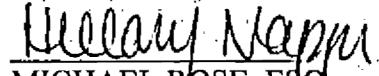
JURY DEMAND

Plaintiff demands a trial by jury on all issues so triable.

Dated: New York, New York
October 16, 2019

Respectfully Submitted,

HACH ROSE SCHIRIPPA & CHEVERIE, LLP



MICHAEL ROSE, ESQ.

HILLARY M. NAPPI, ESQ.

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New York, New York 10016

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Attorneys for Plaintiff JOHN GREKLEK-TORRES

ATTORNEY VERIFICATION

Hillary M. Nappi, an attorney duly admitted and licensed to practice law in the courts of the State of New York, hereby affirms, pursuant to C.P.L.R. ¶ 2106, states under the penalty of perjury, as follows:

I am an associate at Hach Rose Schirripa & Cheverie LLP, attorneys for the Plaintiff herein, and as such, fully familiar with all the facts and circumstances heretofore stated herein by reason of a file maintained in our office located at 112 Madison Avenue, 10th floor, New York, New York 10016; I have read the foregoing Complaint, and the same is true to our own knowledge, except as to the matters therein stated to be alleged upon information and belief and, as to those matters, we believe them to be true; and that this verification is being made by us because the Plaintiff does not reside within New York County wherein our office is located.

Dated: October 16, 2019
New York, New York

Hillary Nappi